

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 2 Definitions of Words and Terms

Subject: 2.1 Definitions of Words and Terms – General

PURPOSE: The purpose of this standard practice (SP) is to establish uniform and consistent definitions, where appropriate, for words and terms used herein.

POLICY: Unless otherwise specified, the terms and definitions listed below will apply to all SPs.

DEFINITIONS:

Bid A bid is an offer submitted by a vendor in response to a Laboratory Invitation for Bids under sealed-bid procedures that, if accepted, would bind an offeror to perform a resultant subcontract.

Commercial Item Commercial item means a product or service that satisfies the definition of commercial item in FAR clause 2.101, *Definitions* as follows:

- (1) Any item, other than real property, that is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and that:
 - (a) Has been sold, leased, or licensed to the general public; or
 - (b) Has been offered for sale, lease, or license to the general public;
- (2) Any item that evolved from an item described in paragraph (1) above through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;
- (3) Any item that would satisfy a criterion expressed in paragraphs (1) or (2) above, but for:
 - (a) Modifications of a type customarily available in the commercial marketplace; or
 - (b) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. "Minor" modifications means modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. Dollar values and percentages may be used as guideposts, but are not

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 2 Definitions of Words and Terms

Subject: 2.1 Definitions of Words and Terms – General

conclusive evidence that a modification is minor;

- (4) Any combination of items meeting the requirements of paragraphs (1), (2), (3), above or (5) below that are of a type customarily combined and sold in combination to the general public;
- (5) Installation services, maintenance services, repair services, training services, and other services if:
 - (a) Such services are procured for support of an item referred to in paragraphs (1), (2), (3), or (4) above, regardless of whether such services are provided by the same source or at the same time as the item; and
 - (b) The source of such services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.
- (6) Services of a type offered and sold competitively in substantial quantities in the commercial marketplace based on established catalog or market prices for specific tasks performed or specific outcomes to be achieved and under standard commercial terms and conditions. This does not include services that are sold based on hourly rates without an established catalog or market price for a specific service performed or a specific outcome to be achieved. For purposes of these services:
 - (a) Catalog price means a price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or vendor, is either published or otherwise available for inspection by customers, and states prices at which sales are currently, or were last, made to a significant number of buyers constituting the general public; and
 - (b) Market price means current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated through competition or from sources independent of the offerors;
- (7) Any item, combination of items, or service referred to in paragraphs (1) through (6) above, notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a Contractor; or

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 2 Definitions of Words and Terms

Subject: 2.1 Definitions of Words and Terms – General

(8) A nondevelopmental item, if the procuring agency determines the item was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local governments.

Contracting Officer

The Contracting Officer is the DOE official responsible for oversight of the Laboratory's procurement system.

DEAR

DEAR means the Department of Energy Acquisition Regulation in Title 48, Chapter 9 (Parts 901-970) of the Code of Federal Regulations.

Department of Energy (DOE)

The DOE is an executive agency of the United States that discharges its responsibilities for conducting research and development in a number of scientific and technical areas at highly specialized facilities owned by the United States and managed and operated by contractors.

Director

The Director is the Director or designee of LBNL.

FAR

FAR means the Federal Acquisition Regulation in Title 48, Chapter 1 (Parts 1-53) of the Code of Federal Regulations.

Laboratory

The Laboratory is LBNL.

Laboratory Counsel

Laboratory Counsel is the Laboratory representative of the University's Office of General Counsel. Laboratory Counsel advises the Laboratory on legal and patent issues.

Offer

An offer is a response to a Laboratory solicitation that, if accepted, would bind an offeror to perform a resultant subcontract. The term is commonly used synonymously with proposal, bid, or quotation.

President

The President is the President of the University of California.

Prime Contract

The Prime Contract is the contract between the Department of Energy and The Regents of The University of California for management and operation of the Laboratory.

Procurement

Procurement is the process of acquiring goods or services through purchase or lease for use by the Laboratory. It begins at the point when Laboratory requirements are identified and ends when subcontract performance, administration, and closeout activities are completed.

Procurement and Property Management Department (PPMD)

The Laboratory organization primarily responsible for the purchase of goods and services from organizations external to the Laboratory.

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 2 Definitions of Words and Terms

Subject: 2.1 Definitions of Words and Terms – General

Procurement Manager	The Procurement Manager is the Laboratory manager responsible for oversight and management of the Laboratory's procurement operations, including the Laboratory Procurement Policies and Standard Practices. The Procurement Manager manages PPMD.
Procurement Personnel	Procurement personnel are all of the individuals in PPMD who perform or support procurement activities.
Procurement Specialist	A procurement specialist is an individual who is responsible for the solicitation, negotiation, award, and administration of subcontracts. The term refers to a buyer, subcontract administrator, contract specialist, or other procurement professional.
Procurement Supervisor	The procurement supervisor is the Laboratory employee to whom the procurement specialist reports. Typically, the procurement supervisor is a first-line supervisor who reports to the Procurement Manager.
Proposal	A proposal is an offer submitted by a vendor in response to a solicitation.
Small Purchase	A small purchase is the procurement of goods or services, including construction and research and development, of \$100,000 or less using simplified acquisition techniques.
Sole Source	Sole source (also known as single source) is restricting competition to a single source of supply.
Solicitation	A solicitation is an oral or written request for offers that describes the Laboratory's requirements (in the form of a statement of work, specifications, etc.), outlines the subcontract terms and conditions, and specifies how proposals will be evaluated. The term includes request for quotations/proposals and invitation for bids.
Standard Clauses	Standard clauses (also known as general provisions) are those terms and conditions for use in broad subcontract types that are established by the Laboratory to satisfy Prime Contract flowdown requirements and represent good business practices.
Subcontract	A subcontract is a legally binding contract or agreement issued under the Prime Contract and between the Laboratory and a third party that contains the essential terms and conditions under which goods or services will be furnished to the Laboratory.
University (UC)	The University is the University of California.
UC Laboratory	The UC Laboratory Operations (UCLO) office is the administrative

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 2 Definitions of Words and Terms

Subject: 2.1 Definitions of Words and Terms – General

Operations (UCLO) organization of the UC Office of the President responsible for oversight of operational and administrative activity relating to the Prime Contract for LBNL.

REFERENCE: Prime Contract Clause I.1 - Definitions